

H. R. 16373
Amendment to Exempt CIA from the
Rule-Making Procedures under
Section 553 of Title 5, United States Code

Short Version

Mr. Speaker: I offer an amendment of a technical nature. The bill provides certain partial exemptions for the records of the Central Intelligence Agency for understandable reasons of security which are prescribed by existing law. However, the bill as written may have inadvertently conditioned this exemption to a rule-making procedure in accordance with the requirements of Section 553 of Title 5, USC, which may necessitate disclosure of the very information the Committee intended to protect. It was presumed that exemptions provided in Section 553 would apply to the CIA but to avoid any ambiguity or misunderstanding on this point it would be preferable to separate the exemption for CIA from the "general exemptions" carried in subsection (j) of the bill. This will not change the exemptions for the Agency as reported out by the Committee. The Agency will still be subject to the same subsections, namely: (b) and (e)(2)(A) through (F). The specific exemption would be included as a new subparagraph (l) in section 3. The existing subsections (l), "Archival Records," and (m), "Annual Report," would be relettered subsections (m) and (n) respectively. The specific exemption would read as follows:

"(1) Except for subsections (b) and (e)(2)(A) through (F) the system of records maintained ~~or originated~~ by the Central Intelligence Agency shall be exempt from the provisions of this section."